

January 24, 1996

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
700 Central Building
810 Third Avenue
Seattle, Washington 98104

REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL.

SUBJECT: Department of Development and Environmental Services File No. **L93P0001**
Proposed Ordinance No. **96-004**

Proposed Plat of **CASCADE SUNRISE**

Generally located on the north margin of N.E. 16th Street between 228th Avenue N.E. and 236th Avenue N.E.

SUMMARY OF RECOMMENDATIONS:

Division's Preliminary:	Approve, subject to conditions
Division's Final:	Approve, subject to conditions (modified)
Examiner:	Approve, subject to conditions (modified)

PRELIMINARY REPORT:

The Land Use Services Division's Preliminary Report on Item No. L93P0001 was received by the Examiner on December 20, 1995.

PUBLIC HEARING:

In conjunction with reviewing the Land Use Services Division's Report and examining available information on file with the application, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. L93P0001 was opened by the Examiner at 9:15 a.m., January 9, 1996, in Hearing Room No. 2, Department of Development and Environmental Services, 3600 - 136th Place S.E., Suite A, Bellevue, Washington, and adjourned at 10:55 a.m. The hearing was administratively continued until January 23, 1996, at which time the hearing record closed. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:
- | | |
|--------------------|---|
| Developer/Owner | Alan Painter
22924 N.E. 16th Place
Redmond, WA 98053
(206) 868-1519 |
| Surveyor/Engineer: | Pac-Tech Engineering
12720 Gateway Drive, Suite 212
Seattle, WA 98168 |
| STR: | 27-25-6 |
| Location: | Generally located on the north margin of N.E. 16th Street between 228th Avenue N.E. and 236th Avenue N.E. |
| Zoning: | SR |
| Acreage: | 5.2 |
| Number of Lots: | 20 |
| Typical Lot Size: | Ranges from approximately 6,500 to 9,300 square feet |
| Proposed Use: | Detached single-family residential |
| Sewage Disposal: | Sammamish Plateau Water & Sewer |

Water Supply: Sammamish Plateau Water & Sewer
 Fire District: Fire District #10
 School District: Lake Washington
 Date of Application: May 28, 1993

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's Preliminary Report to the King County Hearing Examiner for the January 9, 1996 public hearing, as augmented by the Addendum Report dated January 18, 1996 (Exhibit No. 16), are found to be correct and are incorporated herein by reference. Copies of the Land Use Services Division's Reports will be attached hereto for submittal to the King County Council. The LUSD Staff recommends approval of the application, subject to conditions.
 3. On May 28, 1993, the applicant, Alan Painter, filed a preliminary plat application to subdivide 5.2 acres into 20 lots for single-family residential development. The property lies within an SR zone in a rapidly urbanizing residential area lying on the Sammamish Plateau east of Sahalee. This is an in-fill project which will convert to urban development an existing rural residential parcel which is now surrounded by the recently developed plats of Deerfield, Cimarron, and Autumn Wind. The older home and outbuildings on the property will be removed to accommodate the new subdivision. A threshold determination of non-significance was issued for Cascade Sunrise by King County on September 5, 1995.
 4. The principal technical issue considered within the Staff review for this application concerned the disposition of surface water run-off from the site. The plat contains two sub-basins lying within the Evans Creek drainage system, both of which suffer from downstream limitations. The downstream conveyance system for the smaller western sub-basin is currently inadequate to accommodate existing flows from the site. Accordingly, the applicant's engineers have sought to infiltrate its run-off on-site. Because most of the property is underlain by a shallow layer of impermeable till, sub-surface explorations were necessary to determine whether infiltration is feasible. Pursuant to a geotechnical study dated December 20, 1994, a satisfactory location for an infiltration facility has been identified near the western boundary of the plat adjacent to proposed Lot 17. All western sub-basin flows will be infiltrated at that location.
 5. The larger eastern sub-basin of the property contains 3.87 acres which ultimately drain to Mystic Lake, a closed depression wetland which lies approximately 1,900 feet east of the northeast corner of the plat. Prior to reaching Mystic Lake, however, eastern sub-basin flows enter into the drainage system for the adjacent Deerfield plats and eventually are conveyed to a detention pond located on the eastern boundary of Deerfield Division No. 4 along 236th Avenue N.E.
- The drainage review for Cascade Sunrise identified three problems within the eastern sub-basin. First, the drainage pond within Deerfield Division No. 4 may be too small to accommodate additional flows from Cascade Sunrise. Second, erosive soils on-site are capable of creating sedimentation impacts downstream to the Mystic Lake wetland. In fact, Mystic Lake previously experienced sedimentation impacts from the construction of Deerfield despite the existence of erosion control measures. Third, additional flows from Cascade Sunrise are projected to create an elevation rise within the flood plain for Mystic Lake, which is subject to protection pursuant to Special Requirement No. 8 of the Surface Water Drainage Manual. SWM Variance No. L94V0124, issued May 30, 1995, addresses these concerns by requiring further analysis of the capacity of the Deerfield system and strict standards for peak rate control and impervious surface development. In addition, plat Condition No. 11 places seasonal constraints on plat clearing and grading in order to minimize erosional impacts.
6. The on-site road which will serve the plat, N.E. 18th Street, will provide a connecting link within the neighborhood roadway system and therefore operate as an urban sub-collector. In this capacity it will convey neighborhood traffic south to N.E. 14th Street, where the Samantha Smith Elementary School is located, and also connect traffic west to the 228th Avenue N.E. corridor. Because the existing off-site roadway connections will require N.E. 18th Street to make a 90 degree turn within the relatively narrow confines of the project parcel, it will not be possible for the on-site roadway to meet King County Road Standards requirements for horizontal curve radius. Accordingly, the Road Engineer has granted a variance to the applicant reducing the design speed for the curve and allowing compensatory super-elevation for the roadway.
 7. Water and sewer service will be supplied to Cascade Sunrise by the Sammamish Plateau Water and Sewer District. Due to delays in obtaining state approval for the development of new production wells, the District had imposed a moratorium denying new water hook-ups unless an applicant demonstrated an ability to provide a temporary satellite well pending approval and development of new production capacity for the District system. As originally proposed, the plat was to be served by a temporary satellite system employing the existing on-site residential well until the District developed an adequate replacement source. However, an updated certificate of water availability was issued to Cascade Sunrise by the Sammamish Plateau Water and Sewer District on September 19, 1995 for direct water service to 20 new lots. Consequently, the current proposal contemplates closure of the on-site well.

8. The public hearing on the Cascade Sunrise application exposed a philosophical disagreement between the Examiner and LUSD Staff concerning the sufficiency of the Staff Report. None of the technical issues described above in findings 4 through 7 were specifically disclosed and discussed within the Staff Report, which merely stated within its analysis section that "The Subdivision Technical Committee has not identified any significant issues involved in the preliminary review and recommendations of this proposal".
9. Based on the record, the Examiner is persuaded that the technical review performed by Staff was adequate, complete and satisfactorily dispositive of the technical issues raised by this plat application. Nonetheless, it remains the Examiner's view that a primary function of the Staff Report is to identify and discuss the technical issues pertaining to the plat, even though in fact such issues may have been adequately resolved. The Staff Report should provide a capsulized summary of the application review process which is sufficient to inform individuals unfamiliar with the project as to the issues raised by the proposal. This includes not only the Examiner, but also citizens who may be interested in the application as well as members of the County Council and Council Staff. The fact that LUSD Staff believes that all technical issues have been satisfactorily resolved does not justify the abandonment of this important public informational function of the Staff Report. Accordingly, the Examiner required LUSD Staff to produce a brief Addendum Report which identifies the technical issues reviewed and describes their proposed resolution.

CONCLUSIONS:

1. If approved subject to the conditions recommended below, the proposed subdivision makes appropriate provision for the public health, safety and welfare; serves the public use and interest; and meets the requirements of RCW 58.17.110.
2. The conditions of approval recommended herein, including dedications and easements, will provide improvements which promote legitimate public purposes, are necessary to serve the subdivision and are proportional to its impacts; are required to make the proposed plat reasonably compatible with the environment; and will carry out applicable State laws and regulations and the laws, policies and objectives of King County.

RECOMMENDATION:

APPROVE the preliminary plat of CASCADE SUNRISE, as revised and received on August 1, 1995, subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The area and dimensions of all lots shall meet the minimum requirements of the SR zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger. Minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Land Use Services Division. The density shall not exceed four units per acre, as established by the East Sammamish Community Plan.
4. The applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 8041.
6. The applicant shall obtain the approval of the King County Fire Protection Engineer certifying the adequacy of the fire hydrant, water main, and fire flow to meet the standards of Chapter 17.08 of the King County Code. If all lots are greater than 35,000 square feet in size, they are exempt per KCC 17.08.030.
7. Final plat approval shall require full compliance with drainage provisions set forth in King County Code 9.04 and current storm drainage requirements and guidelines as established by Surface Water Management. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. The following conditions represent portions of the Code and requirements that apply to all plats.
 - a. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual. LUSD approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by DDES engineering review, shall be shown on the engineering plans.

- c. The following notes shall be shown on the final recorded plat:
- "All building downspouts, footing drains and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # _____ on file with DDES and/or the Department of Public Works. This plan shall be submitted with the application for any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."
8. The following conditions specifically address drainage issues for this particular plat:
- a. The on-site retention/detention facility for the easterly basin shall be designed to meet the rate control standard as outlined in approved SWM Variance No. L94V0124. All other conditions of approval for this variance must also be met.
- b. The infiltration facility for the westerly drainage basin shall meet all the requirements of the 1990 King County Surface Water Design Manual and updates. Reference the letter dated December 20, 1994, from Associated Earth Sciences, when designing the facility.
- c. Biofiltration facilities are required per Core Requirement No. 3 of the King County Surface Water Management Design Manual.
9. The following conditions specify the required road improvements for the plat.
- a. N.E. 18th Street shall be improved to the urban sub-collector street standard. Variance L93V0126 to reduce the horizontal curve radius of N.E. 18th Street is approved. The road design for N.E. 18th Street shall comply with the conditions of approval for this variance.
- b. The joint-use driveway tracts providing access to Lots 14, 15, and 16/infiltration tract shall be a minimum 20 feet wide with 18-foot paved surface. The driveway tract providing access to the infiltration facility shall be dedicated to King County and include access easement provisions for Lot 16.
- c. Modifications to the above road condition may be considered by King County, pursuant to the variance procedures in KCRS 1.08.
10. The engineering plans for this project shall identify the location of any wells on the site and provide notes which address the requirements for the contractor to abandon the well pursuant to requirements outlined in the Washington Administrative Code (WAC).
11. To prevent downstream erosion impacts and a reduction in water quality, clearing and grading required for the construction of roads and drainage facilities shall occur only during the months of April through September, unless otherwise approved by DDES. The road construction plans shall also address any proposed grading of lot areas necessary for preparing the site for home building. Construction plans shall be submitted to King County well in advance of the September deadline to assure that adequate time is allowed for plan review and site stabilization after construction has proceeded.
12. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
13. The applicant or subsequent owners shall comply with King County Code 27.40, King County Road Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has an option to either: 1) pay the MPS fee and MPS administrative fee at final plat application, or 2) pay the MPS fee and MPS administrative fee at the time of building permit application. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application, and a note shall be placed on the face of the plat stating: "All fees required by King County Code 27.40, King County Road Mitigation Payment System (MPS), have been paid". If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
14. Lots within this subdivision are subject to King County Ordinance 10162 and Ordinance 11569 which imposed impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat received final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.

15. Lots 14 and 15 shall have undivided ownership of the serving access tract and be responsible for its maintenance.
16. The existing house and outbuildings shall be removed prior to plat recording.

RECOMMENDED this 24th day of January, 1996.

Stafford L. Smith, Deputy
King County Hearing Examiner

TRANSMITTED this 24th day of January, 1996, to the following parties and interested persons:

Joe Blankenship
Dan Ivanoff
King Conservation District
New Construction Services
John L. Scott Land Dept.

Jolie Imperatori
Diana Kinared
Jeff Mann
Ingrid and Alan Painter
Walter Votroubek

Lee Carte, DDES/Land Use Services Division
Kim Claussen, DDES/Land Use Services Division
Steve Foley, Surface Water Management Division
Tom Koney, Metropolitan King County Council
Joe Miles, DDES/Land Use Services Division
Mark Mitchell, DDES/Land Use Services Division
Lisa Pringle, DDES/Land Use Services Division
Steve Townsend, DDES/Land Use Services Division
Bruce Whittaker, DDES/Land Use Services Division

NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) **on or before February 7, 1996**. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council **on or before February 14, 1996**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless a proceeding for review pursuant to the Land Use Petition Act is commenced by filing a land use petition in the Superior Court for King County and serving all necessary parties within twenty-one (21) days of the date on which the Council passes an ordinance acting on this matter.

MINUTES OF THE JANUARY 9, 1996 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L93P0001 - CASCADE SUNRISE:

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Kim Claussen, Peter

Dye, Jeff Mann, Alan Painter, Joe Blankenship, and Jolie Imperatori.

The following exhibits were offered and entered into the record:

Exhibit No. 1	Department of Development and Environmental Services File No. L93P0001
Exhibit No. 2	Department of Development and Environmental Services Preliminary Report to the King County Hearing Examiner for the January 9, 1996 public hearing
Exhibit No. 3	Application, dated May 28, 1993
Exhibit No. 4	Environmental Checklist, dated May 28, 1993
Exhibit No. 5	Declaration of Non-Significance, dated September 5, 1995
Exhibit No. 6	Affidavit of Posting indicating December 7, 1995 as date of posting and December 27, 1995 as date affidavit received by DDES
Exhibit No. 7	Plat map dated August 1, 1995 (revised)
Exhibit No. 8	Land use map 951W
Exhibit No. 9	Assessor's Maps NW & SW 27-25-6
Exhibit No. 10	Geotechnical Study by Associated Earth Sciences, dated December 20, 1994
Exhibit No. 11	Certificate of Water Availability, dated September 19, 1995
Exhibit No. 12	Drawing for road variance request, by Pac-Tech Engineering
Exhibit No. 13	Road variance File No. L93V0126
Exhibit No. 14	SWM variance application packet
Exhibit No. 15	DDES Staff's recommended new condition No. 16 and modified condition No. 11

Entered pursuant to administrative continuance:

Exhibit No. 16	DDES Addendum Report to the King County Hearing Examiner, dated January 18, 1996
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